

## Federal Aviation Administration, DOT

## § 99.3

and other publishers of aeronautical charts.

(Sec. 6(c) Department of Transportation Act. 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

[Doc. No. 9748, 35 FR 5609, Apr. 7, 1970]

### PART 99—SECURITY CONTROL OF AIR TRAFFIC

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SOURCE: Docket No. 25113, 53 FR 18217, May 20, 1988, unless otherwise noted.

#### Subpart A—General

##### § 99.1 Applicability.

(a) This subpart prescribes rules for operating civil aircraft in a defense area, or into, within, or out of the United States through an Air Defense Identification Zone (ADIZ), designated in subpart B.

(b) Except for §§ 99.7 and 99.12, this subpart does not apply to the operation of any aircraft—

(1) Within the 48 contiguous States and the District of Columbia, or within the State of Alaska, on a flight which remains within 10 nautical miles of the point of departure;

(2) Operating at true airspeed of less than 180 knots in the Hawaii ADIZ or over any island, or within 12 nautical miles of the coastline of any island, in the Hawaii ADIZ;

(3) Operating at true airspeed of less than 180 knots in the Alaska ADIZ while the pilot maintains a continuous listening watch on the appropriate frequency; or

(4) Operating at true airspeed of less than 180 knots in the Guam ADIZ.

(c) An FAA ATC center may exempt the following operations from this subpart (except § 99.7), on a local basis only, with the concurrence of the military commanders concerned:

(1) Aircraft operations that are conducted wholly within the boundaries of an ADIZ and are not currently significant to the air defense system.

(2) Aircraft operations conducted in accordance with special procedures prescribed by the military authorities concerned.

[Doc. No. 25113, 53 FR 18217, May 20, 1988, as amended by Amdt. 99-14, 53 FR 44182, Nov. 2, 1988; 66 FR 49822, Sept. 28, 2001]

##### § 99.3 Definitions.

*Aeronautical facility* means, for the purposes of this subpart, a communications facility where flight plans or position reports are normally filed during flight operations.

*Air defense identification zone* (ADIZ) means an area of airspace over land or water in which the ready identification, location, and control of civil aircraft is required in the interest of national security.

*Defense area* means any airspace of the contiguous United States that is not an ADIZ in which the control of aircraft is required for reasons of national security.

*Defense visual flight rules* (DVFR) *flight* means, for the purposes of this subpart, a flight within an ADIZ conducted by a civil aircraft under the visual flight rules in part 91 of this title.

[Doc. No. FAA-2001-10693, 66 FR 49822, Sept. 28, 2001]

**§ 99.5 Emergency situations.**

In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from the rules in this part to the extent required by that emergency. He shall report the reasons for the deviation to the communications facility where flight plans or position reports are normally filed (referred to in this part as “an appropriate aeronautical facility”) as soon as possible.

**§ 99.7 Special security instructions.**

Each person operating an aircraft in an ADIZ or Defense Area shall, in addition to the applicable rules of this part, comply with special security instructions issued by the Administrator in the interest of national security and that are consistent with appropriate agreements between the FAA and the Department of Defense.

**§ 99.9 Radio requirements**

(a) A person who operates a civil aircraft into an ADIZ must have a functioning two-way radio, and the pilot must maintain a continuous listening watch on the appropriate aeronautical facility’s frequency.

(b) No person may operate an aircraft into, within, or whose departure point is within an ADIZ unless—

(1) The person files a DVFR flight plan containing the time and point of ADIZ penetration, and

(2) The aircraft departs within five minutes of the estimated departure time contained in the flight plan.

[Doc. No. FAA–2001–10693, 66 FR 49822, Sept. 28, 2001]

**§ 99.11 ADIZ flight plan requirements.**

(a) Unless otherwise authorized by air traffic control, a person must not operate an aircraft into, within, or whose departure point is within an ADIZ unless the person files, activates, and closes a flight plan with the appropriate aeronautical facility.

(b) Unless ATC authorizes an abbreviated flight plan—

(1) A flight plan for IFR flight must contain the information specified in § 91.169; and

(2) A flight plan for VFR flight must contain the information specified in § 91.153(a) (1) through (6).

(3) If airport of departure is within the Alaskan ADIZ and there is no facility for filing a flight plan then:

(i) Immediately after takeoff or when within range of an appropriate aeronautical facility, comply with provisions of paragraph (b)(1) or (b)(2) as appropriate.

(ii) Proceed according to the instructions issued by the appropriate aeronautical facility.

(c) The pilot shall designate a flight plan for VFR flight as a DVFR flight plan.

[Doc. No. 25113, 53 FR 18217, May 20, 1988; 53 FR 44182, Nov. 2, 1988, as amended by Amdt. 99–15, 54 FR 34331, Aug. 18, 1989; 66 FR 49822, Sept. 28, 2001]

**§ 99.12 Transponder-on requirements.**

(a) *Aircraft transponder-on operation.* Each person operating an aircraft into or out of the United States into, within, or across an ADIZ designated in subpart B of this part, if that aircraft is equipped with an operable radar beacon transponder, shall operate the transponder, including altitude encoding equipment if installed, and shall reply on the appropriate code or as assigned by ATC.

(b) *ATC transponder equipment and use.* Effective September 7, 1990, unless otherwise authorized by ATC, no person may operate a civil aircraft into or out of the United States into, within, or across the contiguous U.S. ADIZ designated in subpart B of this part unless that aircraft is equipped with a coded radar beacon transponder.

(c) *ATC transponder and altitude reporting equipment and use.* Effective December 30, 1990, unless otherwise authorized by ATC, no person may operate a civil aircraft into or out of the United States into, within, or across the contiguous U.S. ADIZ unless that aircraft is equipped with a coded radar beacon transponder and automatic pressure altitude reporting equipment having altitude reporting capability that automatically replies to interrogations by transmitting pressure altitude information in 100-foot increments.

(d) Paragraphs (b) and (c) of this section do not apply to the operation of an aircraft which was not originally certificated with an engine-driven electrical system and which has not subsequently been certified with such a system installed, a balloon, or a glider.

[Doc. No. 24903, 55 FR 8395, Mar. 7, 1990]

**§ 99.15 Arrival or completion notice.**

The pilot in command of an aircraft for which a flight plan has been filed shall file an arrival or completion notice with an appropriate aeronautical facility, unless the flight plan states that no notice will be filed.

**§ 99.17 Position reports; aircraft operating in or penetrating an ADIZ; IFR.**

The pilot of an aircraft operating in or penetrating an ADIZ under IFR—

(a) In controlled airspace, shall make the position reports required in § 91.183; and

(b) In uncontrolled airspace, shall make the position reports required in § 99.19.

[Doc. No. 25113, 53 FR 18217, May 20, 1988, as amended by Amdt. 99-15, 54 FR 34331, Aug. 18, 1989]

**§ 99.19 Position reports; aircraft operating in or penetrating an ADIZ; DVFR.**

No pilot may operate an aircraft penetrating an ADIZ under DVFR unless—

(a) That pilot reports to an appropriate aeronautical facility before penetration: The time, position, and altitude at which the aircraft passed the last reporting point before penetration and the estimated time of arrival over the next appropriate reporting point along the flight route;

(b) If there is no appropriate reporting point along the flight route, that pilot reports at least 15 minutes before penetration: The estimated time, position, and altitude at which he will penetrate; or

(c) If the airport departure is within an ADIZ or so close to the ADIZ boundary that it prevents his complying with paragraphs (a) or (b) of this section, that pilot has reported immediately after taking off: the time of departure, altitude, and estimated time of arrival

over the first reporting point along the flight route.

**§ 99.21 Position reports; aircraft entering the United States through an ADIZ; United States aircraft.**

The pilot of an aircraft entering the United States through an ADIZ shall make the reports required in § 99.17 or 99.19 to an appropriate aeronautical facility.

**§ 99.23 Position reports; aircraft entering the United States through an ADIZ; foreign aircraft.**

In addition to such other reports as ATC may require, no pilot in command of a foreign civil aircraft may enter the U.S. through an ADIZ unless that pilot makes the reports required in § 99.17 or 99.19 or reports the position of the aircraft when it is not less than one hour and not more than 2 hours average direct cruising distance from the United States.

[Doc. No. 25113, 53 FR 18217, May 20, 1988; 53 FR 21989, June 13, 1988]

**§ 99.27 Deviation from flight plans and ATC clearances and instructions.**

(a) No pilot may deviate from the provisions of an ATC clearance or ATC instruction except in accordance with § 91.123 of this chapter.

(b) No pilot may deviate from the filed IFR flight plan when operating an aircraft in uncontrolled airspace unless that pilot notifies an appropriate aeronautical facility before deviating.

(c) No pilot may deviate from the filed DVFR flight plan unless that pilot notifies an appropriate aeronautical facility before deviating.

[Doc. No. 25113, 53 FR 18217, May 20, 1988, as amended by Amdt. 99-15, 54 FR 34331, Aug. 18, 1989]

**§ 99.29 Radio failure; DVFR.**

If the pilot operating an aircraft under DVFR in an ADIZ cannot maintain two-way radio communications, the pilot may proceed in accordance with original DVFR flight plan or land as soon as practicable. The pilot shall report the radio failure to an appropriate aeronautical facility as soon as possible.

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### § 99.31 Radio failure; IFR.

If a pilot operating an aircraft under IFR in an ADIZ cannot maintain two-way radio communications, the pilot shall proceed in accordance with § 91.185 of this chapter.

[Doc. No. 25113, 53 FR 18217, May 20, 1988, as amended by Amdt. 99-15, 54 FR 34331, Aug. 18, 1989]

## Subpart B—Designated Air Defense Identification Zones

### § 99.41 General.

The airspace above the areas described in this subpart is established as an ADIZ Defense Area. The lines between points described in this subpart are great circles except that the lines joining adjacent points on the same parallel of latitude are rhumb lines.

### § 99.42 Contiguous U.S. ADIZ

The area bounded by a line from 43°15'N, 65°55'W; 44°21'N, 67°16'W; 43°10'N, 69°40'W; 41°05'N, 69°40'W; 40°32'N, 72°15'W; 39°55'N, 73°00'W; 39°38'N, 73°00'W; 39°36'N, 73°40'W; 37°00'N, 75°30'W; 36°10'N, 75°10'W; 35°10'N, 75°10'W; 32°00'N, 80°30'W; 30°30'N, 81°00'W; 26°40'N, 79°40'W; 25°00'N, 80°05'W; 24°25'N, 81°15'W; 24°20'N, 81°45'W; 24°30'N, 82°06'W; 24°41'N, 82°06'W; 24°43'N, 82°00'W; 25°00'N, 81°30'W; 25°10'N, 81°23'W; 25°35'N, 81°30'W; 26°15'N, 82°20'W; 27°50'N, 83°05'W; 28°55'N, 83°30'W; 29°42'N, 84°00'W; 29°20'N, 85°00'W; 30°00'N, 87°10'W; 30°00'N, 88°30'W; 28°45'N, 88°55'W; 28°45'N, 90°00'W; 29°25'N, 94°00'W; 28°20'N, 96°00'W; 27°30'N, 97°00'W; 26°00'N, 97°00'W; 25°58'N, 97°07'W; westward along the U.S./Mexico border to 32°32'03"N, 117°07'25"W; 32°30'N, 117°25'W; 32°35'N, 118°30'W; 33°05'N, 119°45'W; 33°55'N, 120°40'W; 34°50'N, 121°10'W; 38°50'N, 124°00'W; 40°00'N, 124°35'W; 40°25'N, 124°40'W; 42°50'N, 124°50'W; 46°15'N, 124°30'W; 48°30'N, 125°00'W; 48°20'N, 128°00'W; 48°20'N, 132°00'W; 37°42'N, 130°40'W; 29°00'N, 124°00'W; 30°45'N, 120°50'W; 32°00'N, 118°24'W; 32°30'N, 117°20'W; 32°32'03"N, 117°07'25"W; eastward along the U.S./Mexico border to 25°58'N, 97°07'W; 26°00'N, 97°00'W; 26°00'N, 95°00'W; 26°30'N, 95°00'W; then via 26°30'N, parallel to 26°30'N, 84°00'W; 24°00'N, 83°00'W; then Via 24°00'N, parallel to 24°00'N, 79°25'W; 25°40'N, 79°25'W; 27°30'N, 78°50'W; 30°45'N,

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74°00'W; 39°30'N, 63°45'W; 43°00'N, 65°48'W; to point of beginning.

[Doc. No. FAA-2001-10693, 66 FR 49822, Sept. 28, 2001]

### § 99.43 Alaska ADIZ.

The area is bounded by a line from 54°00'N, 136°00'W; 56°57'N, 144°00'W; 57°00'N, 145°00'W; 53°00'N, 158°00'W; 50°00'N, 169°00'W; 50°00'N, 180°00'; 50°00'N, 170°00'E; 53°00'N, 170°00'E; 60°00'00'N; 180°00'; 65°00'N, 169°00'W; then along 169°00'W; to 75°00'N; 169°00'W; then along the 75°00'N; parallel to 75°00'N, 141°00'W; 69°50'N; 141°00'W 71°18'N; 156°44'W; 68°40'N; 167°10'W; 67°00'N; 165°00'W; 65°40'N; 168°15'W; 63°45'N; 165°30'W; 61°20'N; 166°40'W; 59°00'N; 163°00'W; then south along 163°00'W to 54°00'N, 163°00'W; 56°30'N; 154°00'W; 59°20'N; 146°00'W; 59°30'N; 140°00'W; 57°00'N; 136°00'W; 54°35'N, 133°00'W; to point of beginning.

[Doc. No. FAA-2001-10693, 66 FR 49822, Sept. 28, 2001]

### § 99.45 Guam ADIZ.

(a) *Inner boundary.* From a point 13°52'07" N, 143°59'16" E, counter-clockwise along the 50-nautical-mile radius arc of the NIMITZ VORTAC (located at 13°27'11" N, 144°43'51" E); to a point 13°02'08" N, 145°28'17" E; then to a point 14°49'07" N, 146°13'58" E; counter-clockwise along the 35-nautical-mile radius arc of the SAIPAN NDB (located at 15°06'46" N, 145°42'42" E); to a point 15°24'21" N, 145°11'21" E; then to the point of origin.

(b) *Outer boundary.* The area bounded by a circle with a radius of 250 NM centered at latitude 13°32'41" N, longitude 144°50'30" E.

### § 99.47 Hawaii ADIZ.

(a) *Outer boundary.* The area included in the irregular octagonal figure formed by a line connecting 26°30' N, 156°00' W; 26°30' N, 161°00' W; 24°00' N, 164°00' W; 20°00' N, 164°00' W; 17°00' N, 160°00' W; 17°00' N, 156°00' W; 20°00' N, 153°00' W; 22°00' N, 153°00' W; to point of beginning.

(b) *Inner boundary.* The inner boundary to follow a line connecting 22°30' N, 157°00' W; 22°30' N, 160°00' W; 22°00' N, 161°00' W; 21°00' N, 161°00' W; 20°00' N,

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160°00' W; 20°00' N, 156°30' W; 21°00' N, 155°30' W; to point of beginning.

### § 99.49 Defense Area.

All airspace of the United States is designated as Defense Area except that airspace already designated as Air Defense Identification Zone.

## PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

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AUTHORITY: 49 U.S.C. 106(g), 40103, 40113–40114, 45302, 44502, 44514, 44701–44702, 44721, 46308.

### Subpart A—General

#### § 101.1 Applicability.

(a) This part prescribes rules governing the operation in the United States, of the following:

(1) Except as provided for in §101.7, any balloon that is moored to the surface of the earth or an object thereon and that has a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet.

(2) Except as provided for in §101.7, any kite that weighs more than 5 pounds and is intended to be flown at the end of a rope or cable.

(3) Any unmanned rocket except:

(i) Aerial firework displays; and,

(ii) Model rockets:

(a) Using not more than four ounces of propellant;

(b) Using a slow-burning propellant;

(c) Made of paper, wood, or breakable plastic, containing no substantial metal parts and weighing not more than 16 ounces, including the propellant; and

(d) Operated in a manner that does not create a hazard to persons, property, or other aircraft.

(4) Except as provided for in §101.7, any unmanned free balloon that—

(i) Carries a payload package that weighs more than four pounds and has a weight/size ratio of more than three ounces per square inch on any surface of the package, determined by dividing the total weight in ounces of the payload package by the area in square inches of its smallest surface;

(ii) Carries a payload package that weighs more than six pounds;

(iii) Carries a payload, of two or more packages, that weighs more than 12 pounds; or

(iv) Uses a rope or other device for suspension of the payload that requires an impact force of more than 50 pounds to separate the suspended payload from the balloon.

(b) For the purposes of this part, a *gyroglider* attached to a vehicle on the surface of the earth is considered to be a kite.

[Doc. No. 1580, 28 FR 6721, June 29, 1963, as amended by Amdt. 101–1, 29 FR 46, Jan. 3, 1964; Amdt. 101–3, 35 FR 8213, May 26, 1970]

#### § 101.3 Waivers.

No person may conduct operations that require a deviation from this part except under a certificate of waiver issued by the Administrator.

[Doc. No. 1580, 28 FR 6721, June 29, 1963]

#### § 101.5 Operations in prohibited or restricted areas.

No person may operate a moored balloon, kite, unmanned rocket, or unmanned free balloon in a prohibited or